

# **Deficiency Progress Report – Update 1**

Report Submitted: April 13, 2009

## **CUPA: Oakland City Fire Department**

**Evaluation Date: December 9 and 10, 2008**

### **Evaluation Team:**

Kareem Taylor, Cal/EPA  
Tyrone Smith, Cal/EPA  
Asha Arora, DTSC  
Jack Harrah, CalEMA (formerly OES)  
Radhika Majhail, OES  
Sean Farrow, SWRCB

**Corrected Deficiencies: 12**

**Next Progress Report (Update 2) Due: July 9, 2009**

[Please update the deficiencies below that remain outstanding.](#)

- 1. Deficiency:** The CUPA did not submit the state surcharge collected for fiscal years (FYs) 2005/2006 and 2007/2008 to the Secretary. In the CUPA's Annual Single Fee Summary Reports (Report 2s), the CUPA reported that it submitted \$24,816 in 2005/2006 and \$24,474 in FY 2007/2008, but neither amount was received by the Secretary. A FY 2007/2008 surcharge transmittal reviewed did not contain a check number or a copy of the check submitted.

The CUPA should be transmitting all collected state surcharge revenues to the Secretary quarterly, within 30 days of the end of each state fiscal quarter.

**Preliminary Corrective Actions:** By February 10, 2009, the CUPA will meet and confer with the City fiscal staff to develop a process to ensure the surcharge amounts collected in each fiscal quarter are remitted to the Secretary within 30 days of the end of each fiscal quarter. Also, the CUPA will remit the FY 2005/2006 and 2007/2008 surcharge checks and completed surcharge transmittals to the Secretary.

Along with the 1<sup>st</sup> progress report, the CUPA will submit to Cal/EPA a copy of the remitted FY 2005/2006 and 2007/2008 surcharge checks and surcharge transmittals.

**CUPA's 1<sup>st</sup> Update (4-13-09):** Staff has provided an electronic copy of the invoice showing check submitted by the City of Oakland for the 2005/2006 CUPA surcharge. Attached is a copy of the request and Report 1 for the 2007/2008. Upon receipt the check transmittal, staff will forward copy to CalEPA. Staff responsible for CUPA

invoicing has been directed to create an electronic notification system that will instruct them to submit request for the quarterly surcharge submittal.

**Cal/EPA's 1<sup>st</sup> Response:** After reviewing the state records of the CUPA's surcharge remittals, Cal/EPA found that the CUPA remitted the FY 2007/2008 surcharge to the state as requested during the 2008 evaluation; however, the state has not received the CUPA's reported FY 2005/2006 surcharge remittal of \$24,816 to date. The screenshot that was attached with this progress report did not display the FY 2005/2006 surcharge remitted. It actually displayed the FY 2003/2004 surcharge remitted.

The state accounting department has requested that the CUPA remit the FY 2005/2006 state surcharge collected along with the surcharge transmittal immediately. In addition, please email to Cal/EPA a copy of the remitted FY 2005/2006 surcharge check and transmittal within 15 days of remittance.

**CUPA's 2<sup>nd</sup> Update:** Enter Update Here

2. **Deficiency:** The CUPA's FY 2007/2008 Annual Summary Reports contained some incorrect information.
- Report 2 shows that the CUPA's total regulated businesses is 1503. Upon discussion with the CUPA manager, it was discovered that the CUPA's total regulated businesses is approximately 1400.
  - The Annual Inspection Summary Report (Report 3) does not contain the percent of routine inspections with Class 1 or Class 2 violations that returned to compliance (RTC) within 90 days. Instead, it contains the number of routine inspections that RTC (the CUPA entered information that was required in the old Report 3 format).
  - The Annual Enforcement Summary Report (Report 4) does not contain the correct violation classification information for the business plan, underground storage tank, and CalARP program elements.

**Preliminary Corrective Actions:** By February 10, 2009, the CUPA will submit its revised FY 2007/2008 Annual Summary Reports to Cal/EPA that contains the correct information.

**CUPA's 1<sup>st</sup> Update (4-13-09):** Attached are the corrected Inspection Summary Report 3 and Enforcement Summary report 4. The Oakland CUPA Data Management System is currently being upgraded to provide the inspection and enforcement data in the format requested by Cal-EPA. Conversion to new data system is expected to be completed by July 2009. The system upgrade will allow for accurate reporting. (Data Management Upgrade Progress On-going Completion 07/15/09)

**Cal/EPA's 1<sup>st</sup> Response:** The CUPA's revised FY 2007/2008 Report 3 and 4 are corrected; however, a revised Report 2 containing the correct number of regulated businesses was not attached. Immediately, please submit to Cal/EPA the CUPA's revised Report 2.

**CUPA's 2<sup>nd</sup> Update:** [Enter Update Here](#)

3. **Deficiency:** In some cases, the CUPA is not following-up and/or documenting RTC for businesses cited for violations in Notices to Comply and inspection reports/Notices of Violation. Out of 10 files reviewed by Cal/EPA and 20 files reviewed by DTSC, 7 files did not contain evidence of RTC or CUPA follow-up documentation. Below are some businesses that were cited for violations, but documentation of RTC or CUPA follow-up was not found:

- Frank's Auto Work – inspected 8-23-07
- Hund Welding and Machining – inspected 3-9-02
- CA Waste Solutions – inspected 7-26-08
- Pacific Galvanizing - inspected 7-18-06
- BART - inspected 6-25-07

Documenting facility RTC and CUPA follow-up actions is required as part of the CUPA's implementation of its Inspection and Enforcement (I and E) plan. In addition, this information is required for the CUPA's Annual Summary Reports.

**Preliminary Corrective Actions:** By April 10, 2009, the CUPA will follow-up with businesses cited for violations and document RTC actions. In the absence of RTC documentation from businesses, the CUPA will document follow-up actions like re-inspections, enforcement letters, etc.

On the 1st progress report, the CUPA will submit to Cal/EPA an action plan as to how it will follow-up with businesses with violations on a more consistent basis.

**CUPA's 1<sup>st</sup> Update (4-13-09):** The CUPA has reviewed the files that were reviewed as part of the 2008 Program audit. During the 2007 / 2008 reporting period 62 Return to Compliance notices were issued by staff. 23 were returned and 39 were found outstanding. Attached are copies of the reports and RTC notices. Oakland CUPA inspectors issue Return to Compliance (RTC) at the conclusion of each inspection, it is the responsibility of the inspector to ensure that the facility completes and returns the RTC. Currently the CUPA DMS does not provide a notification to the inspector of outstanding RTC. To address this issue, the updated CUPA DMS will generate a report listing outstanding RTC's for the Program Manager to conduct follow-up with staff to ensure that corrective actions are completed within the time frames required in regulations. The outstanding RTC will assigned to the issuing inspector for follow-up (Progress On-going - Inspections completed 5/30/09 Database implementation 07/15/09)

**Cal/EPA's 1<sup>st</sup> Response:** Please refer to DTSC's comments.

- **DTSC's Response:** Cal/EPA and DTSC appreciate the CUPA's efforts in trying to correct this deficiency. The CUPA submitted the following RTC with this update:
  - Frank's Auto Work – RTC document dated 12-23-08 with 8-23-07 as the initial date of inspection
  - CA Waste Solutions – The CUPA did not include RTC documentation for the inspection conducted on 7-26-08. However, it must be noted that the two submitted inspection reports of 6-26-08 and 3-13-07 contradict each other. One inspection report dated 6-26-08 states that "No Hazardous Waste" is generated onsite, and the other report dated 3-13-07 states that "All Hazardous waste oil was properly contained and the contents were identified. Waste Oil is picked up monthly by Evergreen Environmental. All manifests are current." Please explain if the no generation of hazardous waste is permanent or if it only applied to the 6-26-08 inspection.
  - Pacific Galvanizing - RTC documentation was not included with the response. The CUPA included a Notice of Violation dated 8-1-06 for the inspection conducted on 7-18-06. Another inspection report dated 6-5-08 is not legible.

4. **Deficiency:** The CUPA's I and E plan does not contain its schedule of inspection frequency for the Hazardous Waste Generator program element.

**Preliminary Corrective Actions:** By March 10, 2009, the CUPA will submit to Cal/EPA the portion of its I and E plan that contains the CUPA's scheduled inspection frequencies for all program elements.

**CUPA's 1<sup>st</sup> Update (4-13-09):** The Oakland CUPA has revised the Inspection and Enforcement Plan to establish inspection frequency (see attached). LQG and TP facilities will be inspected annually. SQG will be inspected tri-annually. (Progress – Completed)

**Cal/EPA's 1<sup>st</sup> Response:** The I and E schedule of inspection frequencies was not a part of the attachments emailed with this progress report. Immediately, please email the frequency schedule to Cal/EPA.

**CUPA's 2<sup>nd</sup> Update:** [Enter Update Here](#)

5. **Deficiency:** The CUPA is not requiring businesses, subject to the hazardous materials reporting requirements to annually submit their hazardous materials inventory or certification statement. Out of the 9 files reviewed only 1 had its annual inventories up-to-date with either certifications or updated inventory forms.

**Preliminary Corrective Actions:** By March 10, 2009, the CUPA will submit an action plan outlining how CUPA will ensure that each business annually submits either the inventory certification or the inventory itself.

**CUPA's 1<sup>st</sup> Update (4-13-09):** It is policy to send the request for annual hazardous materials inventory certification in January of each year. At the time of the audit the Oakland CUPA was without a Data Entry Staff to conduct data management activities for approximately 9 months. The job task for sending and filing of certifications was assigned to this position. This position has been filled and staff is updating the main file area. Filing of the certification and inventory forms has resume with the hiring of a Data Entry Staff person. Information is stored both electronically and hard copy. The Oakland CUPA program files are located in two distinct buildings. Active information is sent to the program offices to be entered into the CUPA DMS system prior to being sent to the main data file room. (Progress – On-going Completion 9/15/009)

**Cal/EPA's 1<sup>st</sup> Response:** Please refer to CalEMA's response.

- **CalEMA's Response:** Please report your progress with the next quarterly report.

**CUPA's 2<sup>nd</sup> Update:** Enter Update Here

6. **Deficiency:** The CUPA is not requiring businesses, subject to the hazardous materials reporting requirements, to certify that they have reviewed and if necessary updated the entire business plan every three years. In 7 out of the 9 files, no certification for 3 year review was found.

**Preliminary Corrective Actions:** By March 10, 2009, the CUPA will develop a mechanism to ensure that each business reviews their business plan every three years and make necessary changes if required.

**CUPA's 1<sup>st</sup> Update (4-13-09):** It is policy to send the request for annual hazardous materials inventory certification in January of each year. At the time of the audit the Oakland CUPA was without a Data Entry Staff to conduct data management activities for approximately 9 months. The job task for sending and filing of certifications was assigned to this position. This position has been filled and staff is updating the main file area. Filing of the certification and inventory forms has resume with the hiring of a Data Entry Staff person. Information is stored both electronically and hard copy. The Oakland CUPA program files are located in two distinct buildings. Active information is sent to the program offices to be entered into the CUPA DMS system prior to being sent to the main data file room. (Progress – On-going Completion 9/15/09)

**Cal/EPA's 1<sup>st</sup> Response:** Please refer to CalEMA's response.

- **CalEMA's Response:** Please report your progress with the next quarterly report.

**CUPA's 2<sup>nd</sup> Update:** Enter Update Here

- 7. Deficiency:** The CUPA has not performed an annual CalARP performance audit.

**Preliminary Corrective Actions:** By March 10, 2009, the CUPA will perform an annual CalARP performance audit. At the CUPA's option, this information may subsequently be included with the annual Title 27 self audit.

**CUPA's 1<sup>st</sup> Update (4-13-09):** The CUPA completed the CalARP annual performance audit has included it as part of the 2007-2008 CUPA Program Self Audit. A copy will be sent for review by OEMA. (Progress-Completed)

**Cal/EPA's 1<sup>st</sup> Response:** Please refer to CalEMA's response.

- **CalEMA's Response:** CalEMA has not received a copy of the 2007-2008 audit with the Title 19 elements. The 2008-2009 audit is due in September.

**CUPA's 2<sup>nd</sup> Update:** Enter Update Here

- 8. Deficiency:** The CUPA has not established a dispute resolution procedure for CalARP.

**Preliminary Corrective Actions:** By March 10, 2009, the CUPA will establish a dispute resolution procedure for CalARP that satisfies all elements of 19CCR 2780.1.

**CUPA's 1<sup>st</sup> Update (4-13-09):** The Oakland CUPA has revised the Administrative Enforcement Order and Inspection Plans to include a dispute resolution policy to address all program elements. The CUPA has provided a copy for review by CalEPA staff. (Progress – awaiting comment on D/R policy-On-going)

**Cal/EPA's 1<sup>st</sup> Response:** Please refer to CalEMA's response.

- **CalEMA's Response:** CalEMA has not received a copy of this document.

**CUPA's 2<sup>nd</sup> Update:** Enter Update Here

- 9. Deficiency:** The CUPA is not ensuring that the owners/operators of stationary sources are revising and updating their risk management plans (RMPs) once every five years. Out of the 3 RMPs reviewed only 1 was current. The others were dated May 2001 and April 2003.

**Preliminary Corrective Actions:** The CUPA will immediately request updated RMPs from the owners/operators of stationary sources that have not filed a five year update of their RMPs.

**CUPA's 1<sup>st</sup> Update (4-13-09):** All Oakland Cal-ARP facilities have been requested to submit new Cal-ARP documents. Staff has completed Cal-ARP and RMP refresher training (March 2009). Cal-ARP facilities will be inspected upon submittal of program documents. (Status – On-going)

**Cal/EPA's 1<sup>st</sup> Response:** Please refer to CalEMA's response.

- **CalEMA's Response:** Please report progress on how many revised RMPs you have received with the next quarterly report.

**CUPA's 2<sup>nd</sup> Update:** Enter Update Here

**10. Deficiency:** A file review by the SWRCB indicates that some UST facilities have not been inspected annually. A few examples are:

- Olympian Oil CO, 8515 San Leandro BLVD- latest inspection report found in the file was dated 2005.
- Chevron, 2142 E. 12th Street- latest inspection report found in the file was dated 2003.
- Gordon Gas, 6600 Foothill BLVD- last inspection report found in file was dated 2006.
- M&S Shell, 9750 Golflinks Rd- latest inspection report found in the file was dated January 2007.

**Preliminary Corrective Actions:** By June 10, 2009, the CUPA will identify and inspect all UST facilities that have not been inspected annually. Inspection priority will be given to those facilities that have not been inspected for the longest period of time.

On the 1st progress report, the CUPA will report the total number of UST facilities that have not been inspected annually.

**CUPA's 1<sup>st</sup> Update (4-13-09):** The Oakland CUPA program files are located in two distinct buildings. Active information is sent to the program offices to be entered into the CUPA DMS system prior to being sent to the main data file room. At the time of the audit the Oakland CUPA was without a FTE to conduct data management activities for approximately 9 months. This position has been filled and staff is updating the main file area. Staff has reviewed the files for all UST located in Oakland, only 7 had not been inspected in 2008. These sites are emergency generator sites. It should be noted that one site (Chevron, 2142 E. 12th Street) was closed/inactive at the time of the audit.



**Cal/EPA's 1<sup>st</sup> Response:** Please refer to SWRCB's response.

- **SWRCB's Response:** Information submitted by the CUPA is not very clear. An inspection form was submitted showing that an inspection for 8515 San Leandro Blvd was done 4-17-08. This clears the inspection for this particular facility. For the facility located at 2142 E. 12<sup>th</sup> St, an expired DO form was submitted along with a letter from the owner stating that the business was sold and to cancel the current permit to operate. The facility located at 6600 Foothill Blvd is a concern because on the submitted inspection form, there are two different dates indicating an inspection was done. The first date shows that the inspection was started 1-11-07 and the signature date was 9-11-07. You also submitted a test form from Afforda-Test showing that the LLD's were tested 12-9-08. This same form shows that the CUPA inspector was not present during the testing (check box of form filled out by testing company). No documents were submitted for the facility located at 9750 Golflinks Rd. In your above statement, you stated that seven facilities for 2008 had not been inspected. On the next progress report, please clarify your submittals and update the SWRCB on the inspection status of the seven facilities that have not been inspected since 2008.

**CUPA's 2<sup>nd</sup> Update:** [Enter Update Here](#)

- 11. Deficiency:** UST facility files reviewed either lacked plot plans, or the plot plans did not contain all the required elements. The plot plans were missing the location of ATG, sump, UDC, monitoring panel, sensor(s), etc.

**Preliminary Corrective Actions:** By December 1, 2009, the CUPA will ensure that all facilities have complete and accurate plot plans. As inspections come up, check for file completeness and update as necessary.

**CUPA's 1<sup>st</sup> Update (4-13-09):** The Oakland CUPA program files are located in two distinct buildings. Active information is sent to the program offices to be entered into the CUPA DMS system prior to being sent to the main data file room. At the time of the audit the Oakland CUPA was without a FTE to conduct data management activities for approximately 9 months. This position has been filled and staff is updating the main file area. Staff has reviewed the files for all UST located in Oakland and will request update plot plans as needed. Current information is being placed in the central files. (Progress On-going Completion 09/01/09)

**Cal/EPA's 1<sup>st</sup> Response:** Please refer to SWRCB's response.

- **SWRCB's Response:** The CUPA is making progress towards correcting this deficiency. On the next progress report, report the number of facilities that have complete plot plans.

**CUPA's 2<sup>nd</sup> Update:** [Enter Update Here](#)



**12. Deficiency:** The CUPA is allowing UST facilities to operate with expired operating permits. The SWRCB found two facilities with expired operating permits.

- Quik Stop- permit expired October 2008 and
- Gordon Gas- permit expired April 2004.

**Preliminary Corrective Actions:** By March 10, 2009, the CUPA will identify UST facilities that have expired permits and bring them into compliance.

**CUPA's 1<sup>st</sup> Update (4-13-09):** UST permits are issued annually (see attached) office copies are maintained electronically. To correct this deficiency staff shall place a copy of the permit in each facility folder. (On-going completion 5/30/09)

**Cal/EPA's 1<sup>st</sup> Response:** Cal/EPA and the SWRCB consider this deficiency corrected.

**13. Deficiency:** The CUPA did not provide health and safety training and initial hazardous waste training to the staff conducting hazardous waste inspections in accordance with their I and E Plan.

The CUPA staff is scheduled to take the 40 hour HAZWOPER training in January 2009.

**Preliminary Corrective Actions:** The CUPA will ensure that staff does not conduct hazardous waste inspections until they have received 40 hour HAZWOPER and on the job training the field.

By March 10, 2009, the CUPA will submit to Cal/EPA a copy of the HAZWOPER certificate(s) and a list of other trainings received.

**CUPA's 1<sup>st</sup> Update (4-13-09):** All staff has completed hazwoper training (See Attached)

**Cal/EPA's 1<sup>st</sup> Response:** Please refer to DTSC's comments.

- **DTSC's Response:** The CUPA included the following two training certificates: Mr. LeRoy Griffith's Hazwoper refresher dated February 6, 2008, which is expired; and Mr. Keith Matthews's Permit by Rule for Treatment of Aqueous Waste Containing Cyanides training dated September 11, 2008. The CUPA did not include Sheryl Skillern's certificate for the 40-hour Hazwoper taken. By the next progress report, the CUPA will submit to Cal/EPA copies of the Hazwoper and Hazwoper refresher certificate(s) Sheryl Skillern, LeRoy Griffith, and Keith Matthews and a list of other hazardous waste related trainings received by CUPA staff during FY 08/09.

**CUPA's 2<sup>nd</sup> Update:** [Enter Update Here](#)

**14. Deficiency:** The CUPA did not conduct a complete oversight inspection on 12/3/08. During the oversight inspection of Gold Seal Plating, 3125 E. 7th Street, the CUPA inspector missed many components of the hazardous waste generator and tiered permitting (TP) regulations, including the following violations observed:

- Failure to have a daily inspection schedule for tanks and for the emergency equipment, as well as, a log of those inspections,
- Failure to have a written waste analysis plan and records,
- Failure to have tank reassessment (1 page tank assessment from 1995 was in the CUPA's file),
- Failure to submit excluded recyclable materials report, and
- Failure to conduct a TP inspection for PBR units, including cyanide treatment.

**Preliminary Corrective Actions:** By March 10, 2009, the CUPA will provide hazardous waste/TP training to staff regarding the identification and citation of hazardous waste violations.

Immediately, the CUPA will ensure that inspections are conducted in a manner consistent with state statute or regulation for businesses subject to the TP program.

**CUPA's 1<sup>st</sup> Update (4-13-09):** Training completed January 2009, conducted by DTSC

**Cal/EPA's 1<sup>st</sup> Response:** Please refer to DTSC's comments.

- **DTSC's Response:** Cal/EPA and DTSC appreciate the CUPA's efforts in trying to correct this deficiency. DTSC provided Basic Hazardous Waste Generator, Intermediate Tiered Permitting, and in the field trainings on February 10-11, 2009. DTSC did not provided training for hazardous waste identification or classifying violations. By the next progress report, the CUPA shall provide refresher hazardous waste identification and citation of hazardous waste violations trainings as was identified in the original corrective action.

**CUPA's 2<sup>nd</sup> Update:** [Enter Update Here](#)

**15. Deficiency:** The CUPA has not fully developed and implemented the hazardous waste TP program. The CUPA manager believed that TP was the responsibility of DTSC and not the CUPA. The following are instances observed by DTSC where the TP program was not implemented:

- The consolidated permit application lists "Do you have a Tiered Permit from DTSC?"

- For the emergency response/contingency plan – page 12, section VII, d. “Notify the Cal/EPA’s Department of Toxic Substances Control and the Livermore-Pleasanton Fire Department that the facility is in compliance with requirements ...”
- The CUPA does not have a written acknowledgment of TP notification and a method to handle incomplete forms.
- The CUPA does not have a procedure for the receipt of contingency plan activation reports.
- The CUPA does not have a procedure for the receipt of reports documenting releases of reportable quantities from tank systems or secondary containment
- The CUPA does not request that facilities submit a PBR notification for cyanide treatment after being notified by DTSC to do so in August 2008.
- The CUPA has not inspected its TP facilities at least once every three years. The file review showed that the Alameda County Household Hazardous Waste (HHW) Collection Facility was last inspected on 8/5/03.

The FY 2006/2007 self audit states that procedures are in place to implement the TP program; however, during this CUPA evaluation, CUPA staff stated that TP procedures were not in place.

**Preliminary Corrective Actions:** By March 10, 2009, the CUPA will develop and implement procedures for the hazardous waste TP program. Also, the CUPA will revise its consolidated permit application and TP forms to reflect the CUPA’s new TP procedures.

By March 10, 2009, the CUPA will inspect one HHW facility and submit the inspection report to Cal/EPA.

Along with the 1st progress report, the CUPA will submit to Cal/EPA a copy of the new TP procedures, the HHW inspection report, the revised permit application and TP forms.

**CUPA’s 1<sup>st</sup> Update (4-13-09):** Inspection completed, new inspection form attached.

**Cal/EPA’s 1<sup>st</sup> Response:** Please refer to DTSC’s comments.

- **DTSC’s Response:** The CUPA has conducted one HHW facility inspection, but did not include a copy of the inspection report as requested. The CUPA also did not submit copies of the new hazardous waste TP procedures, the revised permit application, and TP forms. The new inspection form was not included with the 1<sup>st</sup> update. This deficiency remains outstanding.

**CUPA’s 2<sup>nd</sup> Update:** Enter Update Here

**16. Deficiency:** The CUPA has not submitted quarterly inspection or enforcement reports for RCRA LQGs since January 2005.

Reports must be submitted to DTSC on a quarterly basis (February 1, May 1, August 1, and October 15).

**Preliminary Corrective Actions:** The CUPA will submit RCRA LQGs quarterly reports to DTSC by February 1, 2009. If the CUPA did not perform any inspections or take any enforcement actions at a RCRA LQG facility, it should submit a notice to DTSC stating that the CUPA did not perform any activities at RCRA LQG facilities. The CUPA may send this notice or the quarterly RCRA LQG report to Asha Arora at [aarora@dtsc.ca.gov](mailto:aarora@dtsc.ca.gov).

The CUPA may chose to submit the RCRA LQG information online using Cal/EPA's Unified Program Data System (UPDS). Here is the website link for UPDS:

<https://securecupa.calepa.ca.gov /UPDS/Web/Forms/Public/Login.aspx>

**CUPA's 1<sup>st</sup> Update (4-13-09):** The CUPA has identified the LQG sites that have been inspected during the time period identified during the program audit. No violations were observed by staff, report to be submitted to DTSC 5/10/09.

**Cal/EPA's 1<sup>st</sup> Response:** Please refer to DTSC's comments.

- **DTSC's Response:** DTSC expects to receive the RCRA LQG inspection and enforcement data by 5/10/09.

**CUPA's 2<sup>nd</sup> Update:** Enter Update Here

**17. Deficiency:** Inspection reports issued by the CUPA do not include observations or other information in enough detail to determine if those items are violations, observations, or suggestions. During the file review the following files were noted as having violations which were not adequately or properly documented:

- The 10-31-08 inspection report for ED-Coat, 714 4<sup>th</sup> Street, stated "Needs improvement." It was unclear what needed improvement. The inspection report dated 8-16-06 stated that the business was exempt from the TP program; however, the inspection report dated 5-10-01 listed "no violations" and stated that the business should potentially be in the PBR unit because metals are removed from rinse waters by pH adjustment using NaOH.
- The 8-8-08 inspection report for Scientific Platers of No Cal, 9809 Kitty Lane, listed "tank inspection, SB14, incompatibles, used oil filters N/A." The observations are unclear since "No violations" was written on the inspection report. The inspection reports dated 5-31-07, 8-16-06, 7-6-06, and 10-7-03 listed "No violations" and reported the business exempt from the TP program as per the consultant, but did not include information to support an exemption.

- The 7-16-06 inspection report for Pacific Galvanizing, 715 46<sup>th</sup> Avenue listed sulfuric acid to storm drain and inadequate secondary containment but did not include other details to support a violation.
- The 6-29-06 inspection report for Johnson Plating Works, 2526 Telegraph Avenue, listed “Evaporate concentrate, employees not trained within 6 months” without any details to classify the minor violations. A reinspection dated 8-29-06 indicated that violations were corrected; however, both the inspection and reinspection reports did not include a violation for treatment without authorization.
- The 1-9-06 inspection report for Hazel Auto, 456 23<sup>rd</sup> Street, listed “Antifreeze needs sec containment and HW labels” without enough details to classify the violations as minor. These violations were noted as corrected on a reinspection dated 2-14-06.

**Preliminary Corrective Actions:** Effective immediately, the CUPA will ensure that inspections are conducted in a manner consistent with state statute or regulation.

By March 10, 2009, the CUPA will ensure that all violations cited in inspection reports are clearly documented as violations and include the factual basis for violations, as well as, the corrective actions to be taken.

By March 10, 2009, the CUPA will provide refresher hazardous waste/tiered permitting training to staff regarding the identification and citation of hazardous waste violations.

**CUPA’s 1<sup>st</sup> Update (4-13-09):** Training completed January 2009, conducted by DTSC.

**Cal/EPA’s 1<sup>st</sup> Response:** Please refer to DTSC’s comments.

- **DTSC’s Response:** Cal/EPA and DTSC appreciate the CUPA’s efforts in trying to correct this deficiency. DTSC provided Basic Hazardous Waste Generator, Intermediate Tiered Permitting, and in the field trainings on February 10-11, 2009. By the next progress report, the CUPA will provide refresher hazardous waste identification and citation of hazardous waste violations trainings as identified in the original corrective action.

**CUPA’s 2<sup>nd</sup> Update:** Enter Update Here

**18. Deficiency:** The CUPA is not allocating five percent of its hazardous waste-related resources to the oversight of universal waste handlers and silver-only generators.

**Preliminary Corrective Actions:** By March 10, 2009, the CUPA will amend their I and E plan to include a discussion of how the CUPA will expend five percent of its hazardous waste related resources to the oversight of universal waste handlers and silver-only generators.

**CUPA's 1<sup>st</sup> Update (4-13-09):** I and E have been amended. Completed.

**Cal/EPA's 1<sup>st</sup> Response:** Please refer to DTSC's comments.

- **DTSC's Response:** Cal/EPA and DTSC appreciate the CUPA's efforts in trying to correct this deficiency. The CUPA will submit an amended I and E along with the next progress report.

**CUPA's 2<sup>nd</sup> Update:** Enter Update Here